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Tetsuya Kiyosu

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AUGUSTIN, MARCELLUS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/822,756	Applicant(s) KIYOSU ET AL.	
	Examiner MARCELLUS AUGUSTIN	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/13/04, 06/09/06, 11/17/08</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1- 12 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 4-5, 9 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 4, 9 and 12, claims 4, 9 and 12 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent¹ and recent

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

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Federal Circuit decisions² indicate that a statutory “process” under 35 U.S.C. 101 must (1) be tied to a particular machine or apparatus, or (2) transform a particular article to a different state or thing. This is referred to as the “machine or transformation test”, whereby the recitation of a particular machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility (See *Benson*, 409 U.S. at 71-72), and the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity (See *Flook*, 437 U.S. at 590”). While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform an article nor positively tie to a particular machine that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. That is the claim can either be done manually or mentally and is not tied to a device or a machine.

As per claim 5, defines a print support program embodying functional descriptive material (i.e., a computer program or computer executable code). However, the claim does not define a “computer-readable medium or computer-readable memory” and is thus non-statutory for that reason (When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized). The scope of the presently claimed invention encompasses products that are not necessarily computer readable, and thus NOT able to impart any functionality of the recited program. The examiner suggests amending the claim(s) to embody the program on “computer-

² *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

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readable medium” or equivalent; assuming the specification does NOT define the computer readable medium as a “signal”, “carrier wave”, or “transmission medium” which are deemed non-statutory (refer to “note” below). Any amendment to the claim should be commensurate with its corresponding disclosure.

Note:

“A transitory, propagating signal ... is not a “process, machine, manufacture, or composition of matter.” Those four categories define the explicit scope and reach of subject matter patentable under 35 U.S.C. § 101; thus, such a signal cannot be patentable subject matter.” (In re Nuijten, 84 USPQ2d 1495 (Fed. Cir. 2007)). Should the full scope of the claim as properly read in light of the disclosure encompass non-statutory subject matter such as a “signal”, the claim as a whole would be non-statutory. Should the applicant’s specification define or exemplify the computer readable medium or memory (or whatever language applicant chooses to recite a computer readable medium equivalent) as statutory tangible products such as a hard drive, ROM, RAM, etc, **as well as** a non-statutory entity such as a “signal”, “carrier wave”, or “transmission medium”, the examiner suggests amending the claim to include the disclosed tangible computer readable storage media, while at the same time excluding the intangible transitory media such as signals, carrier waves, etc.

Merely reciting functional descriptive material as residing on a “tangible” or other medium is not sufficient. If the scope of the claimed medium covers media other than “computer readable” media (e.g., “a tangible media”, a “machine-readable media”, etc.), the claim remains

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non-statutory. The full scope of the claimed media (regardless of what words applicant chooses) should not fall outside that of a computer readable medium.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1- 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiyosu et al. (US PG PUB No. 20010052998), hereinafter Kiyosu.

As per claim 1, Kiyosu discloses a print service support system for supporting print service for producing prints related to data while delivering the data among a plurality of agencies (Figs. 6 and 9 and [0020]; Kiyosu discloses a color image print processing system wherein individual agencies or clients each comprising one or more output devices wherein performing individual color conversion is prevented wherein a user delivers a job to a print center linked to a plurality of printers or clients wherein preprocessing is conducted comprising color measuring patch, reproducibility and print technology checks wherein data delivered to the print center is rasterized, color matched and outputted to the clients so that the target color and the original data are printed out in the same hue and tint) comprising: a unit for accepting information for

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specifying the plurality of agencies (Figs. 1-2, [0051] and [0055]; the center system 12 of the print center comprises the accepting unit wherein the output units profiles are acquired, compared, registered and selected); a unit for generating project information as information for specifying agencies to carry out a project, the project information including at least a part of the information for specifying the plurality of agencies and remarkable machine information for specifying a given remarkable print output machine of print output machines which are available in the project to be carried out (Fig. 6, [0051] and [0055]; Kiyosu discloses a unit 653 to generate device link profiles stored in the storage section 14 wherein color conversion profiles pertaining to specific output devices stored in the storage section 14 specified as output target comprising machine property, print technology, model type, color reproducibility wherein Kiyosu discloses if the target color is target A, the conversion profile (a) specifies output unit 21 or a remarkable machine output unit 31 with conversion profile (b) wherein the remarkable machine 31 can be substituted for device 21 based on equivalent color image reproduction because of predetermined gamut check and color matching stored in storage section 14 wherein the output image and the target color has a one- to- one correspondence); a selection unit for selecting at least one piece of the information for specifying the agencies, which information is included in the generated project information ([0055]; Kiyosu discloses specifying an output device as an output target wherein machine property and print technology are registered as profiles); a unit for generating device link profile information for each agency specified by the information selected by the selection unit, the device link profile information including information for simulating color reproducibility of the remarkable print output machine using a print output machine to be used by the agency, and information for specifying the agency (Fig.6

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and [0055]; Kiyosu discloses a unit 653 to generate device link profiles stored in the storage section 14 wherein the color conversion section 13 acquires conversion profiles from storage section 14 wherein output targets are specified based on device capability and reproducibility wherein processing color conversion in accordance with color matching stored in the storage section 14 from color management section 19); and a storage unit for storing the generated device link profile information (Fig.3 and [0055]; storage section 14 stores the device profiles such as model ID); wherein the device link profile information is used for delivering data from one of the agencies to another (Fig.3 and [0055]; delivering data to an output device is based on model ID registration).

As per claim 2 (depend on claim 1), Kiyosu discloses the print service support system further comprising: a unit for accepting sequence information for defining delivery sequence of data among the agencies specified by information included in the project information (Figs. 3 and 5; Kiyosu discloses a print system wherein a delivery sequence of color profiles to the output units based on ranking order accepted by the center system 12); wherein the device link profile information is generated sequentially in the sequence defined by the sequence information, and stored by the storage unit (Fig.5 and 6 and [0055]; Kiyosu discloses a unit 653 to generate device link profiles stored in the storage section 14 wherein sequential device link profiles wherein a remote system 2 comes before a remote device 3 and remote device N comes afterwards).

As per claim 3 (depend on claim 1), Kiyosu further discloses the print service support system further comprising: a unit for acquiring information from each of the plurality of

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agencies, the information including information for specifying color reproducibility of one or more print output machines available by the agency, and information for specifying one of the one or more print output machines as default ([0055], [0066] and [0097]; Kiyosu discloses specifying an output unit as destination target which can inherently be a default target wherein clients in the form of agencies can each comprise one or a plurality of output devices wherein color reproducibility, print technology, machine property, model ID are acquired and registered); wherein the unit for generating device link profile information generates device link profile information using information for specifying color reproducibility of the print output machine specified as default, of the information for specifying color reproducibility of the one or more print output machines which information is acquired from each agency (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses a unit 653 to generate device link profiles stored in the storage section 14 wherein the color conversion section 14 acquires conversion information of the output units based on model ID, print reproducibility, wherein a given printer is designated as output destination which can inherently be a default printer with equivalent print reproduction means).

As per claim 4, Kiyosu discloses a print service support method for supporting print service for producing prints related to data while delivering the data among a plurality of agencies (Figs. 6 and 9 and [0020]; Kiyosu discloses a color image print processing system wherein individual agencies or clients each comprising one or more output devices wherein performing individual color conversion is prevented wherein a user delivers a job to a print center linked to a plurality of printers or clients wherein preprocessing is conducted comprising color measuring patch, reproducibility and print technology checks wherein data delivered to the print center is

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rasterized, color matched and outputted to the clients so that the target color and the original data are printed out in the same hue and tint) comprising the steps of: generating project information as information for specifying agencies to carry out a project, the project information including at least a part of the information for specifying the plurality of agencies and remarkable machine information for specifying a given remarkable print output machine of print output machines which are available in the project to be carried out (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses a unit 653 to generate device profiles on specified machines to perform print processing stored in the storage section 14 having information of the output units based on model ID, print reproducibility, wherein a given printer is designated as output destination which can inherently be a default printer or a remarkable machine with equivalent print reproduction means); selecting at least one piece of the information for specifying the agencies, which information is included in the generated project information ([0055]; Kiyosu discloses specifying an output device as an output target wherein machine property and print technology are registered as profiles); generating device link profile information for each agency specified by the information selected in the selecting step, the device link profile information including information for simulating color reproducibility of the remarkable print output machine using a print output machine to be used by the agency, and information for specifying the agency (Fig.6 and [0055]; Kiyosu discloses a unit 653 to generate device link profiles stored in the storage section 14 wherein the color conversion section 13 acquires conversion profiles from storage section 14 wherein output targets are specified based on device capability and reproducibility wherein processing color conversion in accordance with color matching stored in the storage section 14 from color management section 19); and storing the generated device link profile

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information; wherein the steps are executed by a computer system (Fig.3 and [0055]; storage section 14 stores the device profiles such as model ID); and the device link profile information is used for delivering data from one of the agencies to another (Fig.3 and [0055]; delivering data to an output device is based on model ID registration).

As per claim 5, Kiyosu discloses a print service support program for realizing a processing to a computer to support print service for producing prints related to data while delivering the data among a plurality of agencies (Figs. 6 and 9 and [0020]; Kiyosu discloses a color image print processing system wherein individual agencies or clients each comprising one or more output devices wherein performing individual color conversion is prevented wherein a user delivers a job to a print center linked to a plurality of printers or clients wherein preprocessing is conducted comprising color measuring patch, reproducibility and print technology checks wherein data delivered to the print center is rasterized, color matched and outputted to the clients so that the target color and the original data are printed out in the same hue and tint) comprising: generating project information as information for specifying agencies to carry out a project, the project information including at least a part of the information for specifying the plurality of agencies and remarkable machine information for specifying, of print output machines available in the project to be carried out, a given remarkable print output machine (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses a unit 653 to generate device profiles on specified machines to perform print processing stored in the storage section 14 having information of the output units based on model ID, print reproducibility, wherein a given printer is designated as output destination which can inherently be a default printer or a remarkable machine with equivalent

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print reproduction means); selecting at least one piece of the information for specifying the agencies, which information is included in the generated project information ([0055]; Kiyosu discloses specifying an output device as an output target wherein machine property and print technology are registered as profiles); generating device link profile information for each agency specified by the information selected in the selecting step, the device link profile information including information for simulating color reproducibility of the remarkable print output machine using a print output machine to be used by the agency, and information for specifying the agency (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses a unit 653 to generate device link profiles stored in the storage section 14 wherein the color conversion section 14 acquires conversion information of the output units based on model ID, print reproducibility, wherein a given printer is designated as output destination which can inherently be a default printer with equivalent print reproduction means); and storing the generated device link profile information in a storage unit (Fig.3 and [0055]; storage section 14 stores the device profiles such as model ID); wherein the device link profile information is used for delivering data from one of the agencies to another (Fig.3 and [0055]; delivering data to an output device is based on model ID registration).

As per claim 6, Kiyosu discloses a print service support system (Figs. 6 and 9 and [0020]; Kiyosu discloses a color image print processing system wherein individual agencies or clients each comprising one or more output devices wherein performing individual color conversion is prevented wherein a user delivers a job to a print center linked to a plurality of printers or clients wherein preprocessing is conducted comprising color measuring patch, reproducibility and print

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technology checks wherein data delivered to the print center is rasterized, color matched and outputted to the clients so that the target color and the original data are printed out in the same hue and tint) comprising: a data acceptance server group, a data processing server group and a data delivery server group, each group including at least one server unit (Figs. 6, 7 and 9; Kiyosu discloses at least a client wherein predetermined profiles or parameters are acquired and stored in storage section 14 wherein a production company comprises a data acceptance group and a data processing group, and a printing company as a data delivery server group); and a database generated in advance based on profile information about a device to be used by each agency, the database retaining predetermined processing parameters for data to be delivered from an agency which will be a delivery source of the data to an agency which will be a delivery destination of the data (Fig. 6, [0055] and [0097]; the storage section 14 comprises the database wherein reproducibility processing such as print technology and conversion profiles are acquired and registered); wherein as to data related to print service accepted from a delivery source by one server unit of the data acceptance server group, one server unit of the data processing server group acquires, from the database, the predetermined processing parameters between an agency which will be a delivery destination of the data and an agency which will perform final output of the data, and processes the data based on the acquired predetermined processing parameters (Fig. 6, [0055] and [0097]; Kiyosu discloses a unit 653 to generate device link profiles specifying an output device accepted by the center server 601 stored in the storage section 14 wherein the color conversion section 14 acquires conversion information of the output units from the database comprising model ID, print reproducibility); and wherein one server unit of the data delivery server group distributes the processed data to the agency which will be a delivery destination of

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the data ([0066] and [0097]; Kiyosu discloses specifying in advance an output target or a destination device located at a client to output a print).

As per claim 7 (depends on claim 6), Kiyosu discloses the print service support system wherein the number of server units belonging to each of the data acceptance server group, the data processing server group and the data delivery server group is determined in accordance with a load on the server units in each of the server groups (Fig.9; Kiyosu discloses a printer in the production company, a flatbed machine in the plate company, a printer in the printing company wherein the number of servers or CPU or processors needed to acquire profiles and run those printers inherently depends on the amount of machines they had to run).

As per claim 8 (depends on claim 6), Kiyosu further discloses the print service support system further comprising: a data check server group including at least one server unit (Fig. 6 and [0055]; Kiyosu discloses the center server 601 upon receiving the project and conversion information from output devices through communication 17, collation is performed with said reception and data stored in storage section 14 wherein reproducibility and print technology checks are performed) wherein only when one server unit belonging to the data check server group concludes that data accepted by a server unit belonging to the data acceptance server group satisfies a predetermined check condition for an agency set as a delivery destination of the data, one server unit of the data processing server group acquires, from the database, the predetermined processing parameters between an agency which is a delivery source of the data and an agency which will be a delivery destination of the data, and processes the data based on

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the acquired predetermined processing parameters (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses specifying in advance an output target or a destination device located at a client to output a print wherein collation or check are performed to satisfy predetermined condition for example color reproducibility wherein the conversion section 13 acquires conversion information specific to target color and printer from the database or storage section 14 stored in advance to conduct processing based on the color management section 19).

As per claim 9, Kiyosu discloses a print service support method (Figs. 6 and 9 and [0020]; Kiyosu discloses a color image print processing system wherein individual agencies or clients each comprising one or more output devices wherein performing individual color conversion is prevented wherein a user delivers a job to a print center linked to a plurality of printers or clients wherein preprocessing is conducted comprising color measuring patch, reproducibility and print technology checks wherein data delivered to the print center is rasterized, color matched and outputted to the clients so that the target color and the original data are printed out in the same hue and tint) using a data acceptance server group, a data processing server group and a data delivery server group, each group including at least one server unit (Fig.9; Kiyosu discloses a printer in the production company, a flatbed machine in the plate company, a printer in the printing company wherein the number of servers or CPU or processors needed to acquire profiles and run those printers inherently depends on the amount of machines they had to run), and a database generated in advance based on profile information about a device to be used by each agency, the database retaining predetermined processing parameters for data to be delivered from an agency which will be a delivery destination of the data to an agency which will perform final

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output of the data (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses specifying in advance an output target or a destination device located at a client to output a print wherein the conversion section 13 acquires conversion information specific to target color and printer from the database or storage section 14 stored in advance to conduct processing based on the color management section 19), the method comprising the steps of: allowing one server unit of the data processing server group to acquire data related to print service accepted from a delivery source by one server unit of the data acceptance server group (Fig.6 and [0055]; Kiyosu discloses predetermined parameters, conditions were determined and transferred to storage 14 for registration comprising target devices, model ID, color reproducibility and print technology wherein the conversion section 13 acquires device conversion information from the database or storage 14 to conduct processing); allowing the server unit acquiring the data to acquire, from the database, the predetermined processing parameters between an agency which is a delivery source of the data and an agency which will be a delivery destination of the data, and processes the data based on the acquired predetermined processing parameters (Fig.6 and [0055]; Kiyosu discloses the conversion section 13 acquires conversion information from the database to conduct processing, in a case where conversion information is not specified or registered for a machine, the instruction terminal 653 can transmit said conversion information to the server 601); and allowing one server unit of the data delivery server group to distribute the processed data to the agency which will be a delivery destination of the data (Fig.6 and [0055]; Kiyosu discloses once conversion processing is completed with proper color matching to distribute the print to assigned printers as stored in storage section 14).

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As per claim 10, Kiyosu discloses a print service support system (Figs. 6 and 9 and [0020]; Kiyosu discloses a color image print processing system wherein individual agencies or clients each comprising one or more output devices wherein performing individual color conversion is prevented wherein a user delivers a job to a print center linked to a plurality of printers or clients wherein preprocessing is conducted comprising color measuring patch, reproducibility and print technology checks wherein data delivered to the print center is rasterized, color matched and outputted to the clients so that the target color and the original data are printed out in the same hue and tint) for supporting print service for producing prints related to data while delivering the data among a plurality of agencies (Fig.6, 9 and [0069]; Kiyosu discloses at least one clients, a production company, a plate making company, an image setter, an image printing company and the like wherein individual agencies or clients each comprising one or more output devices performing individual color conversion is prevented wherein a user delivers a job to a print center or center server) comprising: a data acceptance server group, a preprocessing server group, a data processing server group and a data delivery server group, each group including at least one server unit (Figs. 6, 7 and 9; Kiyosu discloses wherein a production company comprises a data acceptance group and a data processing group a preprocessor comprising server 601, and a printing company as a data delivery server group comprising destination devices 21, 31, 651 and the like); a unit for accepting information for specifying the plurality of agencies (Fig.6; the server 601 comprises the accepting unit wherein the agencies or the clients comprising the printers are designated); a unit for generating project information as information for specifying agencies to carry out a project, the project information including at least a part of the information for specifying the plurality of agencies and remarkable machine information for

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specifying, of print output machines available in the project to be carried out, a given remarkable print output machine (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses a unit 653 to generate device link profiles pertaining to target printers in advance stored in the storage section 14 comprising model ID, print reproducibility, wherein a given printer is designated as output destination which can inherently be a default or a remarkable printer with equivalent print reproduction means); and a unit for generating predetermined processing parameters as to a print output machine to be used by each agency and the remarkable print output machine, and retaining the predetermined processing parameters in a database (Fig.6, Kiyosu discloses the instruction terminal 653 generates predetermined parameters or profiles specific to target destination color reproducibility wherein the database or storage section 14 stores those contents); wherein a server unit belonging to the preprocessing server group judges whether data related to print service accepted from a delivery source by one server unit of the data acceptance server group satisfies a predetermined providing condition or not ([0090]; Kiyosu discloses a preprocessing method wherein a calibration is performed between received predetermined parameters from the delivery source and data stored in storage 14 wherein a collation is conducted to determine whether color reproduction is performed correctly), and when the server unit concludes that the data does not satisfy the providing condition, one server unit of the data processing server group acquires, from the database, the predetermined processing parameters as to a print output machine to be used by an agency which will be a delivery destination of the data and the remarkable print output machine, and processes the data based on the acquired predetermined processing parameters (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses a unit 653 to generate device link profiles specific to target color and destination device stored in the

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storage section 14 wherein the color conversion section 14 acquires conversion information of the output units from the database or storage section 14 based on model ID, print reproducibility, wherein a given is designated as output destination which can inherently be a default or remarkable printer with equivalent print reproduction means); one server unit of the data delivery server group distributes the processed data to the agency which will be a delivery destination of the data (Fig.6; the server 601 also comprises the data delivery unit to distribute processing to the destination devices assigned by the terminal 653); and wherein when the server unit of the preprocessing server group concludes that the data related to print service and accepted from the delivery source satisfies the providing condition, the data is distributed directly to the agency which will be a delivery destination (Fig.6 and [0055]; Kiyosu discloses print job parameters are transmitted to the server 601 in advance wherein collation is done with data stored in storage 14 and what is received, upon satisfactory collation, conversion processing is performed and the data is distributed inherently to predetermined target destination).

As per claim 11 (depends on claim 10), Kiyosu discloses a print service support system wherein the number of server units belonging to each of the data acceptance server group, the preprocessing server group, the data processing server group and the data delivery server group is determined in accordance with a load on the server units in each of the server groups (Fig.9; Kiyosu discloses a printer in the production company, a flatbed machine in the plate company, a printer in the printing company wherein the number of servers or CPU or processors needed to acquire profiles and run those printers inherently depends on the amount of machines they had to run).

As per claim 12, Kiyosu discloses a print service support method (Figs. 6 and 9 and [0020]; Kiyosu discloses a color image print processing system wherein individual agencies or clients each comprising one or more output devices wherein performing individual color conversion is prevented wherein a user delivers a job to a print center linked to a plurality of printers or clients wherein preprocessing is conducted comprising color measuring patch, reproducibility and print technology checks wherein data delivered to the print center is rasterized, color matched and outputted to the clients so that the target color and the original data are printed out in the same hue and tint) for supporting print service for producing prints related to data while delivering the data among a plurality of agencies (Fig.6, 9 and [0069]; Kiyosu discloses at least one clients, a production company, a plate making company, an image setter, an image printing company and the like wherein individual agencies or clients each comprising one or more output devices performing individual color conversion is prevented wherein a user delivers a job to a print center or center server) using a data acceptance server group, a preprocessing server group, a data processing server group and a data delivery server group, each group including at least one server unit (Figs. 6, 7 and 9; Kiyosu discloses wherein a production company comprises a data acceptance group and a data processing group a preprocessor comprising server 601, and a printing company as a data delivery server group comprising destination devices 21, 31, 651 and the like) the method comprising: allowing one of the server groups to accept information for specifying the plurality of agencies (Fig.6; the server 601 comprises the accepting unit wherein the agencies or the clients comprising the printers are designated); allowing one of the server groups to generate project information as information for specifying agencies to carry out a

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project, the project information including at least a part of the information for specifying the plurality of agencies and remarkable machine information for specifying, of print output machines available in the project to be carried out, a given remarkable print output machine (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses a unit 653 to generate device link profiles pertaining to target printers in advance stored in the storage section 14 comprising model ID, print reproducibility, wherein a given printer is designated as output destination which can inherently be a default or a remarkable printer with equivalent print reproduction means); allowing one of the server groups to generate predetermined processing parameters as to a print output machine to be used by each agency and there remarkable print output machine, and retain the predetermined processing parameters in a database (Fig.6, Kiyosu discloses the instruction terminal 653 generates predetermined parameters or profiles specific to target destination color reproducibility wherein the database or storage section 14 stores those contents); and allowing a server unit belonging to the preprocessing server group to judge whether data related to print service accepted from a delivery source by one server unit of the data acceptance server group satisfies a predetermined providing condition or not ([0090]; Kiyosu discloses a preprocessing method wherein a calibration is performed between received predetermined parameters from the delivery source and data stored in storage 14 wherein a collation is conducted to determine whether color reproduction is performed correctly); wherein when the server unit concludes that the data does not satisfy the providing condition, one server unit of the data processing server group acquires, from the database, the predetermined processing parameters as to a print output machine to be used by an agency which will be a delivery destination of the data and the remarkable print output machine, and processes the data based on the acquired predetermined

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processing parameters (Fig.6, [0055], [0066] and [0097]; Kiyosu discloses a unit 653 to generate device link profiles specific to target color and destination device stored in the storage section 14 wherein the color conversion section 14 acquires conversion information of the output units from the database or storage section 14 based on model ID, print reproducibility, wherein a given is designated as output destination which can inherently be a default or remarkable printer with equivalent print reproduction means); one server unit of the data delivery server group distributes the processed data to the agency which will be a delivery destination of the data (Fig.6; the server 601 also comprises the data delivery unit to distribute processing to the destination devices assigned by the terminal 653); and when the server unit belonging to the preprocessing server group concludes that the data satisfies the providing condition, the data related to the print service and accepted from the delivery source is distributed directly to the agency which will be a delivery destination (Fig.6 and [0055]; Kiyosu discloses print job parameters are transmitted to the server 601 in advance wherein collation is done with data stored in storage 14 and what is received, upon satisfactory collation, conversion processing is performed and the data is distributed inherently to predetermined target destination).

Conclusion

7. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure:

- a) Kumada et al. (US Patent No. 6563944) discloses an image processing apparatus wherein it is possible to automatically select a substitute output device which is substituted for an

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indicated output device and can reproduce a color image equivalent to that output by the indicated output device. The apparatus comprises a judgment function for judging whether or not output is to be performed by the indicated output device, and a selection function for selecting, if it is judged by the judgment function that the output is not to be performed by the indicated output device, the substitute output device on the basis of color reproduction information of output devices being candidates for the indicated output device.

b) Kumada et al. (US Patent No. 6430311) discloses an image processing apparatus which comprises profile storage means for storing a plurality of profiles corresponding to devices, an image database for storing a plurality of image files corresponding to images, color process module storage means for storing a color process module, and communicating means for communicating with a network client through a network, wherein the image data representing an image stored in the image database, the color process module and a profile stored in the profile storage means are down-loaded to the network client through said communicating means in accordance with a demand of the network client.

c) Tetsushi et al (JP Pub. No 10- 117290) discloses an image transfer device wherein transfer color image information or the like and to allow a receiver side to reproduce the information, without imposing a large load on a specific transmitter and useless communication in a network wherein an image server 2 sends color information or the like and location information to specify the location of profile information, corresponding to the color image information or object information to a network. In an image display device 3, a reception means 30 receives

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the color image information or the like and the location information, a call means 34 calls the profile information, corresponding to the location information from a profile storage means 10 via the network and a color correction means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLUMERELLUS AUGUSTIN whose telephone number is (571)270-3384. The examiner can normally be reached on Monday- Friday 0900 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 571-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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